

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

DENNIS REYNOLDS,	:	Case No. 1:15-cv-363
	:	
Petitioner,	:	Judge Timothy S. Black
	:	Magistrate Judge Karen L. Litkovitz
vs.	:	
	:	
WARDEN, HOCKING	:	
CORRECTIONAL FACILITY,	:	
	:	
Respondent.	:	

**DECISION AND ENTRY ADOPTING THE REPORT AND
RECOMMENDATIONS OF THE UNITED STATES MAGISTRATE JUDGE
(Doc. 13)**

This case is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Karen L. Litkovitz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on January 19, 2016, submitted a Report and Recommendations. (Doc. 13). The Petitioner filed objections. (Doc. 15).¹ The matter is now ripe for review.

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does

¹ Petitioner objects that the Magistrate Judge's comprehensive 21-page order "summarily" dismissed his claim. The Petitioner argues that: (1) he timely submitted a Petition; and (2) his claims were cognizable. Petitioner's objections are **OVERRULED**. Specifically: (1) Petitioner had well over two years to file a timely habeas petition after the Supreme Court of Ohio issued a final ruling, but failed to do so; and (2) whether to permit a defendant to withdraw a guilty plea is a decision committed to the state trial court's discretion and is not a basis for federal habeas relief.

determine that such Report and Recommendations should be and is hereby **ADOPTED** in its entirety. Accordingly:

- (1) Respondent's motion to dismiss (Doc. 7) is **GRANTED** and the Petition is **DISMISSED** with **PREJUDICE**;
- (2) Pursuant to 28 U.S.C. § 2253(c), there is no basis upon which to issue a certificate of appealability and therefore Petitioner is **DENIED** a certificate of appealability;
- (3) Pursuant to 28 U.S.C. Section 1915(a)(3), an appeal of this Order cannot be taken in good faith and therefore Petitioner is **DENIED** leave to appeal in *forma pauperis*; and
- (4) The Clerk shall enter Judgment accordingly, whereupon this case is **TERMINATED** on the docket of this Court.

IT IS SO ORDERED.

Date: 2/18/16

s/ Timothy S. Black
Timothy S. Black
United States District Judge